

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

-against-

RICHARD XIA, a/k/a YI XIA; and
FLEET NEW YORK METROPOLITAN REGIONAL
CENTER, LLC, f/k/a FEDERAL NEW YORK
METROPOLITAN REGIONAL CENTER, LLC;

Defendants,

-and-

JULIA YUE, a/k/a JIQING YUE,

Relief Defendant.

21 Civ. 5350 (PKC)

**ORDER APPROVING THE MONITOR'S
MOTION FOR APPROVAL OF RELEASE OF FUNDS
FOR PAYMENT OF REAL PROPERTY TAXES**

Upon the Motion for Approval of Release of Funds for Payment of Real Property Taxes (the "Motion") of M. Scott Peeler, Court-appointed monitor (the "Monitor"), for entry of an order, (i) authorizing Emerald Creek Capital 3, LLC ("Emerald Creek") to immediately release escrowed funds from its Reserve Account, deposited in furtherance of the August 31, 2021 Loan Agreement between Emerald Creek and X&Y Development Group ("X&Y"), in the amount of \$557,344.72 to the New York City Department of Finance ("NYC Department of Finance") for the payment of property taxes on the property located at 42-31 Union Street, Queens, New York, 11355, which are due on January 1, 2022 ("2022 Mirage Property Taxes Due"), (the "Loan Agreement"),

(ii) directing Defendants X&Y to pay real property taxes on the Mirage Property in the amount of \$172,576.72, which were due on January 1, 2021, together with interest in the amount of \$28,858.09, and real property taxes that were due on July 1, 2021, in the amount of \$557,344.72 with interest in the amount of \$37,741.63, for a total payment of \$796,521.16 (“2021 Mirage Back Taxes”), first from all funds held in the X&Y Development Group LLC account ending in 5097 and the remainder of taxes to be paid from Defendants’ Eastern Emerald Group LLC account ending in 0808 or another Xia Entity account if additional funds are needed, within three (3) days of this Order, and (iii) directing Defendant Xia to have Eastern Emerald Group, LCC (“Eastern Emerald”) or other Xia Entity pay the real property taxes due on the Emerald Property in the amount of \$309,146.54 (“2022 Emerald Property Taxes”), with funds from the Eastern Emerald Group LLC account ending in 0808 or another Xia Entity account if additional funds are needed, within three (3) days of this Order.

NOW, THEREFORE, based upon the Motion and all of the proceedings before this Court, and after due deliberation and sufficient cause appearing therefor, and no objection to the Application having been raised, it is hereby:

ORDERED that the Monitor’s Motion authorizing Emerald Creek to immediately release escrowed funds from its Reserve Account in the amount of \$557,344.72 to pay to the NYC Department of Finance the 2022 Mirage Property Taxes is granted in its entirety; and it is further

ORDERED that the Monitor’s Motion directing Defendants to have X&Y pay to the NYC Department of Finance the sum of \$796,521.16 to satisfy the 2021 Mirage Back Taxes, first with all funds held in the X&Y Development Group LLC account ending in 5097 and to then satisfy the balance of the 2021 Mirage Back Taxes with funds paid from Defendants’ Eastern Emerald

Group LLC account ending in 0808 or from another Xia Entity account within three (3) days of this Order; and it is further

ORDERED that the Monitor's Motion that Defendant Xia Defendant be directed to have Eastern Emerald or other Xia Entity pay the 2022 Emerald Property Taxes in the amount of \$309,146.54 to the NYC Department of Finance with funds from the Eastern Emerald Group LLC account ending in 0808 within three (3) days of this Order; and it is further

ORDERED that CTBC shall release, solely for the purpose of paying real property taxes to the NYC Department of Finance, (i) funds from Defendant's Eastern Emerald Group LLC account ending in 0808 for \$432,098.86, the combined amount of the 2022 Emerald Property Taxes and 2021 Mirage Property Back Taxes, and (ii) funds from Defendant's X&Y Development Group LLC account in 5097 for \$673,568.84.

ORDERED that Defendants and Emerald Creek shall provide documentary proof of the foregoing payments, as applicable, to the Court, SEC, and the Monitor within five (5) days of making such payment(s), is granted in its entirety.

ORDERED that the Court shall retain jurisdiction to hear and determine all matters arising from the implementation of this Order.

SO ORDERED, this 3 day of January, 2022.

/s/ Pamela K. Chen

Pamela K. Chen
United States District Court Judge